

Judiciary Committee
LB 1093
February 13, 2014

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Good afternoon, Senator Ashford and members of the Judiciary Committee. I am Kerry Winterer and I have the privilege of being CEO of the Department of Health and Human Services. I am here to testify in a neutral position on LB 1093.

Currently, DHHS contracts with the Office of Dispute Resolution for prehearing conferences, permanency prehearing conferences and termination of parental rights prehearing conferences. DHHS also contracts with the six mediation centers for family group conferencing, expedited family group conferencing and child welfare mediation services. LB 1093 would transfer the funding and management for these services, for any juvenile court case, to the Office of the State Court Administrator.

The language in section 2 of LB 1093 states that funding “no less than the amount of funds expended under fiscal year 2013-2014 projections...” (Page 3, Lines 24-25) be transferred. We understand this to mean the amount actually expended by the Department for these services. We have come to agreement with the ODR regarding the amount to be transferred which will be reflected in a revised fiscal note.

This amount includes \$235,000 previously funded through a federal grant to the Office of Dispute Resolution plus another \$215,000 to fund contracts with the six Mediation Centers.

We do have some concerns about some language in the bill. In Section (2)(2) of the bill, DHHS is required to continue to contract with the Mediation Centers to provide family group conferences, mediation, and related services in an amount no less than the higher of fiscal 2013 and 2014 “as agreed to by the Department of Health and Human Services and the office of the State Court Administrator. We question what needs to be agreed to with the Court Administrator since the amount will be known and these are for non court involved cases.

DHHS is also concerned with the definition of Family Group Conference as proposed on page 2, line 24 through page 3, line 2. The language states Family Group Conference involves extended family members and “others.” Current contract language with the six Mediation Centers requires DHHS approval of any plans developed through a Family Group Conference. This is usually accomplished by DHHS’ participation in the process. The language of the bill makes it unclear if DHHS will be able to continue participation in the process. The language does not set forth if the term “others” applies to DHHS. The ODR and Mediation Centers will no longer have a contractual obligation to include or

seek approval from DHHS regarding Family Group Conferences. This is concerning because plans affecting safety could be developed with family members without the participation or approval of DHHS.

The Department stands ready to work with Senator Brasch and the Supreme Court to ensure that these services are effectively provided to the children and families of Nebraska. Thank you for the opportunity to provide testimony regarding LB 1093. I would be happy to answer any questions you might have.